

REMARKS

Applicant hereby traverses the current rejections, and requests reconsideration and withdrawal in light of the amendments and remarks contained herein. New claims 34-38 have been provided for consideration. Claims 23-28 stand withdrawn from consideration. Claims 1-13 and 15-38 are pending in this application.

Amendments to the Claims and New Claims

Claim 1 has been amended to more clearly define the database. No new matter has been entered. Basis for these amendments exists in the Application as filed, for example see Figure 1, element 16, the related text from the specification. Claims 2-4 have been amended to correspond with the changes made to claim 1.

Claim 8 has been amended to more clearly define the database. No new matter has been entered. Basis for these amendments exists in the Application as filed, for example see Figure 1, element 16, the related text from the specification. Claims 9-11 have been amended to correspond with the changes made to claim 8.

Claim 15 has been amended to more clearly define postage usage parameter being stored for each user. No new matter has been entered. Basis for these amendments exists in the Application as filed, for example see Figure 1, element 16, the related text from the specification. Claims 16-18 have been amended to correspond with the changes made to claim 15.

Claim 29 has been amended to more clearly define postage usage parameter being stored for each user and the two determinations made prior to evidencing the requested postage amount. No new matter has been entered. Basis for these amendments exists in the Application as filed, for example see Figure 1, element 16, the related text from the specification, and see also the text in the specification at paragraphs [0007], [0023], [0024], and [0035]. Claims 16-18 have been amended to correspond with the changes made to claim 15. Applicant notes that use of (a) and (b) in claim 29 is not to claim or otherwise suggest a particular order of the two determining

limitations, but rather is to identify the two determining limitations for antecedent basis purposes in the evidencing limitation.

New claims 34-35 depend from claim 1, and further define a parameter. New claims 36-37 depend from claim 8, and further define a parameter. New claim 38 depends from claim 15, and further defines a parameter. No new matter has been entered. Basis for these claims exists in the Application as filed, for example see Figure 1, element 16, the related text from the specification.

Rejection Under 35 U.S.C. 102

Claims 1-5, 7-11, 13, and 29-33 stand rejected under 35 U.S.C. § 102(b) as being anticipated by United States Patent Number 5,715,164 to Liechti et al. (hereinafter Liechti).

It is well settled that to anticipate a claim, the reference must teach every element of the claim, see M.P.E.P. § 2131. Moreover, in order for a prior art reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, “[t]he elements must be arranged as required by the claim,” see M.P.E.P. § 2131, citing *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990).

Furthermore, in order for a prior art reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim,” see M.P.E.P. § 2131, citing *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989). Applicant respectfully asserts that the rejection does not satisfy these requirements.

Claim 1 defines a postage evidencing meter operable to be used by a plurality of users that comprises an authorization database having a plurality of entries, wherin each entry is associated with a user of the plurality of users, and each entry includes at least one parameter, wherein the parameter limits an ability of the associated user to evidence postage using the meter. Liechti does not disclose at least these limitations. Liechti does not have a structure that corresponds to the claimed authorization database. Liechti does not store a parameter for each user, but rather stores limits for each meter. Thus, Liechti does not teach all of the claimed

limitations. Therefore, the Applicant respectfully asserts that for the above reasons claim 1 is patentable over the 35 U.S.C. § 102 rejection of record.

Claim 8 defines a system for controlling postage usage that comprises a database for separately storing at least one postage usage parameter for each user of a plurality of users of the meter, wherein the parameter limits an ability of the associated user to evidence postage using the meter. Liechti does not disclose at least these limitations. Liechti does not have a structure that corresponds to the claimed database. Liechti does not store a parameter for each user, but rather stores limits for each meter. Thus, Liechti does not teach all of the claimed limitations. Therefore, the Applicant respectfully asserts that for the above reasons claim 8 is patentable over the 35 U.S.C. § 102 rejection of record.

Claim 29 defines a method for controlling postage usage that includes separately storing at least one postage usage parameter for each user of a plurality of users in a postage usage database, wherein said postage usage parameters establish separate postage evidencing limits for each user of said plurality of users; (a) determining, based on the selected user's postage usage parameter, if sufficient postage is available to fulfill the request for the selected user; and (b) determining if sufficient postage is available from the available postage balance of said postage meter used for evidencing postage to fulfill the request for the selected user. Liechti does not disclose at least these limitations. Liechti does not separately store a parameter for each user, but rather stores limits for each meter. Also, nothing in Liechti teaches performing two different determinations, with one based on a user parameter and the other based on the postage meter. Thus, Liechti does not teach all of the claimed limitations. Therefore, the Applicant respectfully asserts that for the above reasons claim 29 is patentable over the 35 U.S.C. § 102 rejection of record.

Claims 2-5, 7, 9-11, 13 and 30-33 depend from base claims 1, 8, and 29, respectively, and thus inherit all limitations of their respective base claim. Each of claims 2-5, 7, 9-11, 13 and 30-33 sets forth features and limitations not recited by Liechti. Thus, the Applicant respectfully

asserts that for the above reasons claims 2-5, 7, 9-11, 13 and 30-33 are patentable over the 35 U.S.C. § 102 rejection of record.

Rejection Under 35 U.S.C. § 103

Claim 6 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Liechti in view of United States Patent publication number 2004/0194154 to Meadors et al. (hereinafter Meadors).

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art cited must teach or suggest all the claim limitations. See M.P.E.P. § 2143. Without conceding the first and second criteria, Applicant asserts that the rejection does not satisfy the third criteria.

Base claim 1 is defined as described above. Liechti does not disclose these limitations, as discussed above. Meadors is not relied upon in the Office Action as disclosing these limitations, and does not teach these limitations. Therefore, the combination of references does not teach all elements of the claimed invention.

Claim 6 depends from base claim 1, and thus inherits all limitations of claim 1. Claim 6 sets forth features and limitations not recited by the combination of Liechti and Meadors. Thus, the Applicant respectfully asserts that for the above reasons claim 6 is patentable over the 35 U.S.C. § 103(a) rejection of record.

Rejection Under 35 U.S.C. § 103

Claims 12, and 15-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Liechti* in view of United States Patent Publication Number 2004/0098354 to Manduley (hereinafter Manduley).

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art cited must teach or suggest all the claim limitations. See M.P.E.P. § 2143. Without conceding the first and second criteria, Applicant asserts that the rejection does not satisfy the third criteria.

Base claim 8 is defined as described above. Liechti does not disclose these limitations, as discussed above. Manduley is not relied upon in the Office Action as disclosing these limitations, and does not teach these limitations. Therefore, the combination of references does not teach all elements of the claimed invention.

Claim 15 defines a system for controlling postage usage that comprises at least two postage evidencing meters with at least one postage evidencing meter of said at least two postage evidencing meters separately storing at least one postage usage parameter for each user of a plurality of users. The combination of Liechti and Manduley does not disclose at least these limitations. The Office Action relies on Liechti as teaching these limitations and not Manduley. Moreover, Manduley does not teach these limitations. Furthermore, Applicant notes that Liechti does not disclose these limitations either. Liechti does not separately store a parameter for each user, but rather stores limits for each meter. Thus, Liechti does not teach all of the claimed limitations. Consequently, the combination of Liechti and Manduley does not teach all of the claimed limitations. Therefore, the Applicant respectfully asserts that for the above reasons claim 15 is patentable over the 35 U.S.C. § 103 rejection of record.

Claims 12 and 16-22 depends from base claims 8 and 15, respectively, and thus inherit all limitations of their respective base claim. Each of claims 12 and 16-22 sets forth features and limitations not recited by the combination of Liechti and Manduley. Thus, the Applicant respectfully asserts that for the above reasons claims 12 and 16-22 are patentable over the 35 U.S.C. § 103(a) rejection of record.

Conclusion

In view of the above, Applicant believes the pending Application is in condition for allowance.

Applicant believes that \$100.00 in fees is due with this response for the additional claims and is being paid by credit card. However, if additional fees are due, please charge our Deposit Account No. 06-2380, under Order No. 61135/P023US/10303235 from which the undersigned is authorized to draw.

Dated: February 20, 2008

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.8(a)(4).

Dated: February 20, 2008

Signed: Jay H. Perigo

Respectfully submitted,

By _____

Michael A. Papalas
Registration No.: 40,381
FULBRIGHT & JAWORSKI L.L.P.
2200 Ross Avenue, Suite 2800
Dallas, Texas 75201-2784
(214) 855-8186
(214) 855-8200 (Fax)
Attorney for Applicant